

REMARKS**Restriction Requirement and Species Election**

This reply is supplemental to the response to the restriction requirement and Species election filed on August 10, 2009. In the August 10, 2009 response, Applicants elected Group I, claims 1-16, 20, and 21 without traverse. The Examiner further required a species election. Specifically, the Examiner required that Applicants elect 1) a particular step to be examined selected from induction, maintenance or expansion, 2) a particular fibronectin fragment selected from one of the fragments described in the present application, *e.g.*, claim 10 or 12, and 3) the inclusion or exclusion of the step of diluting a cell culture solution.

In the August 10, 2009, response, Applicants elected, with traverse, 1) expansion, 2) SEQ ID NOs. 9-20 and 25 and 3) the inclusion of the step of diluting a cell culture solution.

In lieu of the previous election, Applicants elect, with traverse, 1) expansion, 2) SEQ ID NO. 13 and 3) inclusion of the step of diluting a cell culture solution.

Claims 1-13, 15, 16, 20, and 21 of Group I encompass the elected species.

Applicants traverse on the grounds that, at least, SEQ ID NOS. 9-20 and 25 should be initially examined because these sequences share a common special technical feature and structure, *i.e.*, a cell adhesion activity and/or a heparin binding activity, as specified in claim 11.

The following table describes the relationship of SEQ ID NOs. 9-20 and 25.

Fibronectin Fragment	SEQ ID NO	III-8	III-9	III-10	III-11	III-12	III-13	III-14	CS1
		SEQ ID NO1	SEQ ID NO2	SEQ ID NO3	SEQ ID NO4	SEQ ID NO5	SEQ ID NO6	SEQ ID NO7	SEQ ID NO8
C-274	9	O	O	O					
H-271	10					O	O	O	
H-296	11					O	O	O	O
CH-271	12	O	O	O		O	O	O	
CH-296	13	O	O	O		O	O	O	O
C-CS1	14	O	O	O					O
CHV-89	15	O	O	O			O		

Fibronectin Fragment	SEQ ID NO	III-8	III-9	III-10	III-11	III-12	III-13	III-14	CS1
		SEQIDNO1	SEQIDNO2	SEQIDNO3	SEQIDNO4	SEQIDNO5	SEQIDNO6	SEQIDNO7	SEQIDNO8
CHV-90	16	O	O	O				O	
CHV-92	17	O	O	O		O			
CHV-179	18	O	O	O			O	O	
CHV-181	19	O	O	O		O	O		
H-275-Cys	20					4aa+ O	O	O+Cys	
CH-296Na	25	O	O	O	O	O	O	O	O

Applicants further traverse on the grounds that it would not be an undue burden on the Examiner to perform a search of all species encompassed by the present claims. Further, Applicants are aware that, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

According to US practice, Applicants understand that they must elect a species for further prosecution. However, once the Examiner finds allowable subject matter based upon the single species elected, the Examiner is required to then expand the search to include a reasonable number of additional species.

Substance of the Interview

Applicants' representative contacted Examiner Skelding to state that a Supplementary Response to the Species Election of August 10, 2009, would be forthcoming to further clarify the species election regarding the fibronectin fragment. The Examiner agreed to consider the Supplementary Response. Applicants' representatives thank the Examiner for extending the courtesy of this interview on August 13, 2009.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact L. Parker, Registration No. 46,046, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated:

AUG 14 2009

Respectfully submitted,

By 

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